IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

WRIT PETITION NO. 2772 OF 2005

M/s. PENATATEUCH CONSTRUCTION PVT. LTD. & ANR. .. PETITIONERS

Versus

MUNICIPAL CORPN. OF GR. MUMBAI & ANR.. RESPONDENTS

Mr. M. M. Vashi for petitioners.

Ms. P. A. Purandare for R

CORAM:-SMT. RANJANA DESAI &

A. S. OKA, JJ.

DATED:- 23/12/2005

P.C.

. Heard learned counsel for the parties.

2. Admitedly Assistant Commissioner, M-West Ward who has passed the impugned order dated 18/10/05 has no power to pass it. Hence, we set aside the said order.

3. The learned counsel for the respondent Corporation states that the Chief Engineer (Roads) will hear the petitioners on 9/1/06 and pass appropriate order in accordance with law.

4. Petition is disposed of in the aforestated terms.

4. It is made clear that the order is set aside only because the Assistant Commissioner had no authority to pass order.

5. All contentions of the parties are kept open.

6. Parties to act on authenticated copy of this order.

(SMT. RANJANA DESAI, J.)

(A.S. OKA, J.)